



**California State Board of Pharmacy**

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STATE AND CONSUMER SERVICES AGENCY  
DEPARTMENT OF CONSUMER AFFAIRS  
ARNOLD SCHWARZENEGGER, GOVERNOR

**LEGISLATION AND REGULATION COMMITTEE**

**Regulation Report**

**NO ACTION**

**Regulation Update**

**Board Approved and Pending Administrative Approval**

Staff published a 15-day notice on February 2, 2005 to make minor change to the omnibus group of regulations approved by the board at the January 2005 board meeting. That notice period ended on February 22, 2005. There were no changes or comments made to this language.

The rulemaking package was submitted for administrative review in April; the regulations should be in place by late summer.

**Board Approved – Awaiting Notice**

At the October 2004 Board meeting, the board moved to regulation hearing proposed regulation changes that will permit the use of drop boxes to drop off prescriptions, and the use of automated dispensing devices to dispense refill medication when the patient has “opt-in” to use this system. This regulation is awaiting notice. A copy of the language is provided in Attachment 1.

At the Board’s Enforcement Committee meeting in on June 22, 2005, the Committee moved to regulation hearing the proposed repeal of 1717(e). This repeal of this regulation is awaiting notice.

## Add Section 1713

### §1713 Receipt and Delivery of Prescriptions

- (a) Except as otherwise provided in this Division, no licensee shall participate in any arrangement or agreement, whereby prescriptions, or prescription medications, may be left at, picked up from, accepted by, or delivered to any place not licensed as a retail pharmacy.<sup>1</sup>
- (b) A licensee may pick up prescriptions at the office or home of the prescriber or pick up or deliver prescriptions or prescription medications at the office of or a residence designated by the patient or at the hospital, institution, medical office or clinic at which the patient receives health care services.<sup>2</sup>
- (c) A patient or the patient's agent may deposit a prescription in a secure container that is at the same address or adjoining the licensed premises. The pharmacy shall be responsible for the security and confidentiality of the prescriptions deposited in the container.
- (d) A pharmacy may use a device to dispense refilled prescriptions when the pharmacy is not open provided:
- (1) The device is located at the same address or adjoining the licensed premises.
  - (2) The device has a means to identify the patient and only release that patient's prescriptions.
  - (3) The device is secure from access by unauthorized individuals.
  - (4) The pharmacy provides a means for the patient to obtain a consultation with a pharmacist if requested by the patient.
  - (5) The pharmacy is responsible for the prescriptions stored in the device.

### §1717. Pharmaceutical Pharmacy Practice.

- (a) No medication shall be dispensed on prescription except in a new container which conforms with standards established in the official compendia.  
Notwithstanding the above, a pharmacist may dispense and refill a prescription for non-liquid oral products in a clean multiple-drug patient medication package (patient med pak), provided:
- (1) a patient med pak is reused only for the same patient;
  - (2) no more than a one-month supply is dispensed at one time; and
  - (3) each patient med pak bears an auxiliary label which reads, "store in a cool, dry place."
- (b) In addition to the requirements of Business and Professions Code Section 4040 4036, ~~Business and Professions Code~~, the following information shall be maintained for each prescription on file and shall be readily retrievable:
- (1) The date dispensed, and the name or initials of the dispensing pharmacist. All prescriptions filled or refilled by an intern pharmacist must also be initialed by the supervising pharmacist ~~preeceptor~~ before they are dispensed.
  - (2) The brand name of the drug or device; or if a generic drug or device is dispensed, the distributor's name which appears on the commercial package label; and
  - (3) If a prescription for a drug or device is refilled, a record of each refill, quantity dispensed, if different, and the initials or name of the dispensing pharmacist.
  - (4) A new prescription must be created if there is a change in the drug, strength, prescriber or directions for use, unless a complete record of all such changes is otherwise maintained.
- (c) Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted prescription. If the prescription is then dispensed by another pharmacist, the dispensing pharmacist shall also initial the

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<sup>1</sup> Moved from 1717 (e).

<sup>2</sup> Moved from 1717 (e).

prescription to identify him or herself. All orally transmitted prescriptions shall be received and transcribed by a pharmacist prior to compounding, filling, dispensing, or furnishing. Chart orders as defined in Section 4019 of the Business and Professions Code are not subject to the provisions of this subsection.

(d) A pharmacist may furnish a drug or device pursuant to a written or oral order from a prescriber licensed in a State other than California in accordance with Business and Professions Code Section 4005.

~~(e) No licensee shall participate in any arrangement or agreement, whereby prescriptions, or prescription medications, may be left at, picked up from, accepted by, or delivered to any place not licensed as a retail pharmacy.~~

~~However, a licensee may pick up prescriptions at the office or home of the prescriber or pick up or deliver prescriptions or prescription medications at the office of or a residence designated by the patient or at the hospital, institution, medical office or clinic at which the patient receives health care services. The Board may in its sole discretion waive this application of the regulation for good cause shown.~~

(f) A pharmacist may transfer a prescription for Schedule III, IV or V controlled substances to another pharmacy for refill purposes in accordance with Title 21, Code of Federal Regulations, 1306.26.

Prescriptions for other dangerous drugs which are not controlled substances may also be transferred by direct communication between pharmacists or by the receiving pharmacist's access to prescriptions or electronic files that have been created or verified by a pharmacist at the transferring pharmacy. The receiving pharmacist shall create a written prescription; identifying it as a transferred prescription; and record the date of transfer and the original prescription number. When a prescription transfer is accomplished via direct access by the receiving pharmacist, the receiving pharmacist shall notify the transferring pharmacy of the transfer. A pharmacist at the transferring pharmacy shall then assure that there is a record of the prescription as having been transferred, and the date of transfer. Each pharmacy shall maintain inventory accountability and pharmacist accountability and dispense in accordance with the provisions of Section 1716.

Information maintained by each pharmacy shall at least include:

- (1) Identification of pharmacist(s) transferring information;
- (2) Name and identification code or address of the pharmacy from which the prescription was received or to which the prescription was transferred, as appropriate;
- (3) Original date and last dispensing date;
- (4) Number of refills and date originally authorized;
- (5) Number of refills remaining but not dispensed;
- (6) Number of refills transferred.

(g) ~~(f)~~ The pharmacy must have written procedures that identify each individual pharmacist responsible for the filling of a prescription and a corresponding entry of information into an automated data processing system, or a manual record system, and the pharmacist shall create in his/her handwriting or through hand-initializing a record of such filling, not later than the beginning of the pharmacy's next operating day. Such record shall be maintained for at least three years.

Authority cited: Sections 4005, 4075 and 4114, Business and Professions Code. Reference: Sections 4005, 4019, 4027, 4050, 4051, 4052, 4075, 4114, 4116, 4117 and 4342, Business and Professions Code.

State of California

Department of Consumer Affairs

**Memorandum**

To: Board Members

Date: July 20, 2005

From: Jan E. Perez  
Legislation and Regulation Coordinator

Subject: Informational Hearing: Intern Pharmacist  
Addresses

At this meeting, the board will hold an informational hearing regarding the posting of intern pharmacist addresses on the Board's web site. Proposed language is attached.

# **Attachment 1**

### **§1727. Intern Pharmacist.**

- (a) An intern pharmacist is a person who holds a valid intern card.
- (b) An intern card shall be issued for a period of:
  - (1) One to five years for the person who is currently enrolled in a school of pharmacy recognized by the Board.
  - (2) One year to a person who is a graduate of a school of pharmacy recognized by the Board.
  - (3) One year to a foreign graduate who has met educational requirements described in Business and Professions Code Section 4200.
  - (4) One year to an out-of-state licentiate who is awaiting the administration of the next licensure examination.
- (c) Registration as an intern may be renewed or extended at the sole discretion of the Board for:
  - (1) Persons who have not completed experience requirements.
  - (2) Persons who have completed experience requirements but have not taken or passed the licensure examination. Intern cards shall not be extended or renewed for a person who failed the licensure examination three or more times.
- (d) An intern shall notify the Board within 30 days of any change of address. An intern shall return his or her intern card, by registered mail, within thirty (30) days of a change of eligibility status.
- (e) An intern pharmacist may perform all functions of a pharmacist at the discretion and under the supervision of a preceptor in accordance with Business and Professions Code Section 4114.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4030, 4114 and 4200, Business and Professions Code.

### **§1727.1 Intern Pharmacist Address.**

The Board shall not make an intern pharmacist's address publicly available on interactive communication systems such as the "World Wide Web" and "Internet."

Authority cited: Section 4005, Business and Professions Code. Reference: Section 4005 Business and Professions Code.